



RESOLUTION NO. 8-21

A RESOLUTION OF THE TOWN OF SOUTH BETHANY AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN OF SOUTH BETHANY AND MEDIACOM DELAWARE, LLC

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996 (hereinafter collectively referred to as the “Cable Act”), the regulations of the Federal Communications Commission (hereinafter referred to as the “FCC”) and Delaware law, the Town of South Bethany (hereinafter the “Town”), is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Town’s jurisdiction; and

WHEREAS, Mediacom currently holds a cable franchise from the Town by virtue of a cable franchise agreement originally granting a cable franchise to Mediacom or to a predecessor to Mediacom; and

WHEREAS, Mediacom has requested that the Town renew Mediacom’s franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-ways for use by the Town’s residents; and

WHEREAS, the aforesaid rights-of-way used by Mediacom are public properties acquired and maintained by the Town held in trust on behalf of citizens of the Town and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Town desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, encourage future technical improvements to maintain a technologically-advanced Cable System, establish certain reporting requirements, obtain certain complimentary services, preserve the right to obtain the use of educational and governmental channels, receive franchise fees for Mediacom’s use of the Town’s rights-of-ways as provided by federal law, and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Town held a public hearing on the subject of cable franchise including reviewing the cable operator’s past performance and identifying the Town’s future cable-related community needs; and

WHEREAS, the Town has determined that Mediacom has the financial, legal and technical ability to provide Cable Services to Subscribers located in the Town; and

WHEREAS, the Town, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Mediacom’s franchise according to the terms and conditions contained in the written Cable Franchise Agreement negotiated between the Town and Mediacom.

NOW THEREFORE, LET IT BE RESOLVED that the Mayor and Town Council of the Town of South Bethany does hereby approve the cable franchise agreement negotiated with Mediacom Delaware, LLC, including all the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SOUTH BETHANY ON THE 10TH DAY OF DECEMBER 2021.

Timothy D. Saxton, Mayor

Attest:

Richard Oliver, Council Secretary

Members of Council:

Sue Callaway

Derek Abbott

Randy Bartholomew

Edith Dondero

William T. Shaw